

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Kelly R. Hopkins,)	Civil Action No.: 8:10-1317-HMH-BHH
)	
Plaintiff,)	
)	
vs.)	<u>REPORT AND RECOMMENDATION</u>
)	<u>OF MAGISTRATE JUDGE</u>
Trinity Food Service, food providers)	
at LCDC,)	
)	
Defendant.)	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On July 9, 2010, an Order ruling on a Report and Recommendation [Doc. 17] was mailed to the plaintiff's last known address at the Lexington County Detention Center. The envelope containing this order was returned to the court as the plaintiff is apparently no longer incarcerated at the Lexington County Detention Center. A search of the SCDC and BOP websites by the clerk's office revealed the inmate was not found. Another attempt at mailing this Order [Doc. 17] as well as the Notice of Change of Address for the Greenville Clerk's Office [Doc. 22] was made on August 18, 2010. The envelope containing the Order and Notice was also returned as undeliverable, not here. On November 14, 2010, a copy of a text order [Doc. 29] granting an extension of time to defendant Trinity Food Service was mailed to plaintiff. This order was also returned as undeliverable.

The record reveals that the plaintiff was advised by order [Doc. 11] dated June 14, 2010, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed *with prejudice* for lack

of prosecution and for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

s/Bruce H. Hendricks
United States Magistrate Judge

September 22, 2010

Greenville, South Carolina